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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,305	11/06/2001	Alexander Winker	81779	9832
23685	7590	02/02/2004	EXAMINER	
KRIEGSMAN & KRIEGSMAN 665 FRANKLIN STREET FRAMINGHAM, MA 01702			SCHIFFMAN, JORI	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,305

Applicant(s)

WINKER, ALEXANDER

Examiner

Jori R. Schiffman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-24 is/are pending in the application.
- 4a) Of the above claim(s) 15-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-14 in Paper No. 5 is acknowledged. There is no traversal argued in the response filed in Paper. No. 7. The requirement is still deemed proper and is therefore made FINAL.
2. Newly submitted claims 23 and 24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 23 and 24 are directed to a method of making the nut disclosed in claims 1-3 and 5-14 which, as already acknowledged in the previous Office Action, could be made by another materially different process.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23 and 24 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Drawings

3. The proposed drawing correction filed on November 20, 2003 is approved by the Examiner. Corrected drawings are required in reply to this Office Action.

Specification

4. The disclosure is objected to because of the following informalities: The specification cannot refer to the claims, as in page 2, lines 1 and 2, for example. The entire specification should be reviewed to make sure it complies with U.S. practice, for instance including headings such as "Background of the Invention", "Detailed Description of the Drawings", etc.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5-12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Capuano (US 4431353).

Regarding claim 1, Capuano discloses a nut 50 comprising a nut body 56 and a turning plate 52, the nut body having an enlarged shoulder 124, a neckpiece 68 extending from the enlarged shoulder, and a conical surface 140 closing off the neckpiece at an end opposite the shoulder, the turning plate 52 being inseparably and rotatably arranged on the nut body (col. 4, l. 32-35), wherein the turning plate is capable of being shoved onto the nut body and secured by means of a locking element which is a bead 100 provided on

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the conical surface of the nut body, so the turning plate is arranged between the enlarged shoulder and the bead.

As to claim 2, Capuano discloses the bead being formed as a single piece on the nut body, and is capable of being formed by a pressing process.

Referring to claim 3, Capuano discloses the nut body having a base body 58 and the turning plate 52 is arranged on the neckpiece.

As to claim 5, Capuano discloses the bead 100 formed on the neckpiece 68.

Regarding claim 6, Capuano discloses the bead 100 being formed at the transition from the conical surface 140 to the neckpiece 68.

Referring to claim 7, Capuano discloses a notch (the space between neckpiece 68 and turning plate 52) capable of being formed by pressing at least one of the conical surface and neckpiece on its edge facing the turning plate.

Regarding claim 8, Capuano discloses the enlarged shoulder 124 having a conical underside 86 at its end facing the neckpiece and the turning plate has a conical surface region 88 along an inner surface that makes contact with the conical underside of the enlarged shoulder.

In regards to claim 9, Capuano discloses the turning plate having a cylindrical surface region 142 along its inner surface which faces the neckpiece.

As to claim 10, Capuano discloses the turning plate having a slightly conical surface region 144 along its inner surface.

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Referring to claim 11, Capuano discloses a bevel or chamfer being provided at the end of the cylindrical surface region and slightly conical surface region facing the base body (at 144).

Regarding claim 12, Capuano discloses the turning plate 52 being trapezoidal.

As to claim 14, Capuano discloses the nut being a wheel nut for motor vehicles.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Capuano (US 4431353) as applied to claim 1 above, and further in view of Wilson (US 6102488).

As to claim 13, Capuano discloses the claimed nut except for the base body having a cap. Wilson teaches a cap 56. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include a cap on the base body of Capuano as disclosed in Wilson for decorative purposes and to more firmly hold the nut and washer together.

Response to Arguments

9. Applicant argues that Capuano fails to teach or suggest a nut comprising “a bead provided on at least one of the conical surface and the neckpiece”, but rather discloses an annular

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retainer rim of the nut body being crimped radially. In response, the examiner disagrees because the claims are given their broadest reasonable interpretation. Furthermore, according to Merriam-Webster's Collegiate Dictionary Tenth Edition the definition is bead is "a projecting rim, band, or molding". Therefore, retainer rim 100 of Capuano is properly referred to as a bead. The rejection is deemed proper and is therefore maintained.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jori R. Schiffman whose telephone number is 703-305-4805. The examiner can normally be reached on M-Th, and every other Friday.

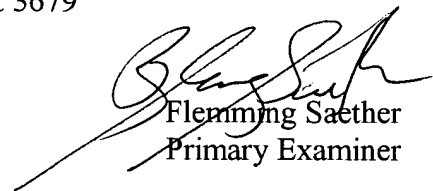
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Jori R. Schiffman
Examiner
Art Unit 3679

JS



Flemming Sæther
Primary Examiner